REMARKS

This amendment is in response to the Office Action of January 9, 2008 in which claims 1, 3-5, 9-19 and 23-26 were rejected and claims 6-8 and 20-22 objected to.

The applicant appreciates the Examiner's consideration of applicant's remarks filed October 25, 2007 and for considering those remarks to be persuasive and therefore withdrawing the previous rejection. Applicant has carefully considered the new ground of rejection made in the Office Action of January 9, 2008 and has the following further remarks.

The Examiner concedes that neither Tiemann nor document "Curve Fitting Toolbox" discloses the feature of claim 1 that *"different types of equations for said interpolation are provided for different distributions of the signal strengths of said at least three determined samples"*.

She considers it to be obvious, though, that the teachings of "Curve Fitting Toolbox" are applied to Tiemann in this manner, since the same type of equation is not used to perform interpolation of different different-valued sets of data points.

There is no indication in the "Curve Fitting Toolbox" supporting this assumption, though.

Obviously, it cannot be an implicit requirement of "Curve Fitting Toolbox" that there is a different interpolant method for each different-valued set of data points, as assumed by the Examiner. Since there is an infinite number of possible different-valued sets of data points, this would mean that there is an infinite number of interpolant methods disclosed in "Curve Fitting Toolbox", which is surely not the case.

The "Curve Fitting Toolbox" rather discloses on page 3-68 four different types of interpolant methods:

- *linear*
- *nearest neighbour*
- *cubic spline*
- *shape-preserving*

When considering the description of these four interpolant methods, it

becomes apparent that they are not specific for any particular signal strength distribution of data. For example, the nearest neighbour interpolation *"sets the value of an interpolated point to the value of the nearest data point."* This can be applied without problem to any set of data.

Also in the example on page 3-69, it becomes clear that the distribution of the signal strength of the data does not determine the type of interpolant method that is to be used: The example shows for the *same* original set of data the results of *two* interpolation methods, the nearest neighbour method and of a shape preserving method. It becomes clear from the second paragraph that the choice of the interpolant method is in general a question of the purpose behind the interpolation and not on the signal strength distribution.

Thus, there is clearly no link between the distribution of the signal strengths of at least three samples and the selected type of equation for the employed interpolation.

It also has to be noted that the signals in claim 1 are always of the same type, namely signals received at a receiver. Thus, for the sake of argument, even if a skilled person would consider using different interpolant methods of "Curve Fitting Toolbox," for different types of data, e.g. "nuclear reaction data" and other data, he would not consider without inventive considerations applying different interpolant methods for the same type of data only because each set of data has different signal strength distributions.
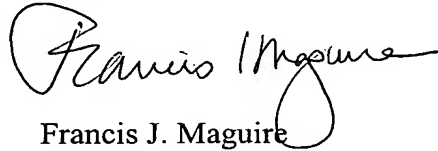
The same comments apply to the other independent claims.

Withdrawal of the obviousness rejection of the independent claims 1, 12 and 26 is requested. Since the dependent claims of claim 1 rejected on this ground (2-4, 9-11 and 16 and the dependent claims of claim 12 (13-18 and 23-25) are patentable for at least the same reasons, withdrawal of the rejection thereof is also requested.

It is not believed that there is any extension of time fee required but if this belief is incorrect, the Commissioner is authorized to consider this paper to be a petition for the correct extension of time period and is likewise authorized to deduct the correct extension of time fee from our Deposit Account No. 23-0442. It is not believed that there is any extra claims fee due on account of this Request for Reconsideration but if this belief is incorrect, the Commissioner is authorized to deduct the correct fee from our Deposit Account No. 23-0442.

3

The objections and rejections of the Office Action of January 9, 2008 having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1 and 3-26 to issue is earnestly solicited.

Respectfully submitted,

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
 & ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234